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NO. 9411 P. 2

**National Archives and Records Administration
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NO. 9411

P. 3

DOCKET

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

69-217

KS

TITLE OF CASE		ATTORNEYS									
RINCON BAND OF MISSION INDIANS, LA JOLLA BAND OF MISSION INDIANS, Plaintiffs, vs. ESCONDIDO MUTUAL WATER COMPANY, WALTER J. BICKEL, UNITED STATES SECRETARY OF THE INTERIOR; JOHN N. MITCHELL, UNITED STATES ATTORNEY GENERAL; CITY OF ESCONDIDO, Defendants,		For plaintiff: ROBERT S. PELCYGER DAVID H. GETCHES BRUCE R. GREENE Native American Rights Fund 1506 Broadway Boulder, Colorado 80302 Telephone (303) 447-8760 MICHAEL O'MALLEY California Indian Legal Services 1080 W. Washington Avenue P.O. Box 1868 Escondido, California 92025 Telephone (714) 746-8941									
COUNTERCLAIM ESCONDIDO MUTUAL WATER COMPANY, et al vs. RINCON BAND OF MISSION INDIANS, LA JOLLA BAND OF MISSION INDIANS		For defendant:									
STATISTICAL RECORD J.S. 5 mailed J.S. 6 mailed		Robert S. Pelcyger Dale T. White FREDERICKS & PELCYGER Canyon Center, Suite 216 1881 9th Street Boulder, Colorado (303) 443-1683 Attorneys for the Indian Bands									
Basis of Action: Injunctive Relief; Restitution, etc Action arose at: San Diego		<table border="1"> <thead> <tr> <th>NAME OR RECEIPT NO.</th> <th>RBC.</th> <th>DISE.</th> </tr> </thead> <tbody> <tr> <td><i>Legal</i></td> <td>15 -</td> <td>9-1-69</td> </tr> <tr> <td><i>Legal</i></td> <td>5 -</td> <td>5-22-70</td> </tr> </tbody> </table>	NAME OR RECEIPT NO.	RBC.	DISE.	<i>Legal</i>	15 -	9-1-69	<i>Legal</i>	5 -	5-22-70
NAME OR RECEIPT NO.	RBC.	DISE.									
<i>Legal</i>	15 -	9-1-69									
<i>Legal</i>	5 -	5-22-70									
Docket fee Witness fees Depositions											

OK TO FILE
ANSWERS TO
INTERROGATORIES
PER MAG. ORDER
9/14/82

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Pacific Region (Laguna Niguel)

69-217

K

RINCON BAND OF MISSION INDIANS

vs

ESCONDIDO MUTUAL
WATER COMPANY, et

DATE	PROCEEDINGS	Date Order or Judgment Noted
7/25/69	Fld Compl't for Declaratory Relief, Restitution, Breach of Contract, Injunctive Relief, Trespass and Conversion purs to 28 USC 1331 and 1362, and 28 USC 2201 - 2202; Exhibits A thru F attach'd thereto; Issd Split Summons; MADE JS-5 CARD; Jury Trial Demanded	
8/6/69	Fld Memorandum of Pts & Auths; Affid of Robert S. Pelcyger; Exh G thru I attach'd thereto; Certificate of applicant's atty; Application for Ord to Show Cause; Mtn for Temp. Restraining Order; Motion for preliminary injunction;	
8/7/69	Fld Order to Show Cause & Temp Restraining Order, (K) Hrg set for Aug. 15, 1969 at 2 P.M.;	
8/7/69	Fld Undertaking on Temp. Restraining Order in the amt of \$500.00 (The Travelers Indemnity Co)	
8/8/69	Fld note of mtn, Mtn for Prelim Injunction; Noted for 8/15/69, 2 PM;	
8/15/69	Fld disb ord and made ch in the amt of \$500. payable to Robert S. Pelcyger, Security Bond refund	
8/13/69	Ent ord \$500. cash bond posted 8/7/69, be returned to owner. (cash bond replaced by \$500. Traveler's Indemnity Company Bond.)	
8/18/69	Fld stip & ord for con't & for extension of temp restraining ord; Ord time extended to 9/12/69 at 2pm. (K)	
8/15/69	Ent ord hrg on O.S.C & T.R.O, cont to 9/12/69 at 2pm (K)	
8/29/69	Fld summons returned executed as to Mrs. Lola M. Rollins & Mrs. Rachel C. Everts.	
	Fld summons returned executed as to Miss Dorothy D. Cutler and by Air Mail to Atty General Wash D.C.	
9/10/69	Fld stip & Ord ext time to ans or otherwise move, (K) Time ext to include 10/20/69;	
	Fld stip & Ord for con't & for ext of Temp Restraining Ord, (K).	
	Ext'd to 10/3/69, at 10:00 A.M.;	
10/30/69	Fld note of mtn to dismiss, Noted for 10/15/69, at 2 P.M.; Memo of Pts & Auths;	
10/7/69	Fld note of mtn for Declaratory relief & for preliminary injunction; Noted for 10/15/69, at 2 P.M.;	
10/8/69	Fld Memo of Pts & Auths by the City of Escondido & the Escondido Mutual Water Co. in response to Ord to Show Cause & in oppo to mtn for preliminary Injunction;	
	Fld affid's of B.C. Wohlford, David M. Brown, Albert A. Webb, Max Bookman, Louis Whyte, J. M. Burns, Jr., Kenneth I. Mullen, John A. Williamson and Proof of service by mail;	
10/9/69	Fld corrected table of Auth's to Memo of Pts & Auths by the City of Escondido & the Escondido Mutual Water Co. in response to OSC & in oppo to mtn for prelim injunction;	
	Fld Memo of Deft's City of Escondido & Escondido Mutual Water Co in oppo to mtns of Pltf's for declaratory relief & prelim injunction;	
	Fld Notice of Pendency of other action or proceeding;	
	Fld mtn of Deft's City of Escondido & Escondido Mutual Water Co, for extension of time to respond to the complt;	
	Fld Memo of Pts & Auth's of Deft's City of Escondido & Escondido Mutual Water Co. in suppt of mtn for ext of time to respond to complt;	
10/10/69	Fld note of mtn of Deft's City of Escondido & Escondido Mutual Water Co. for ext of time to respond to the complt & Ord thereon, (\$)	
	Mtn to be heard on 10/15/69, at 2 P.M.;	
10/10/69	Fld stip & Ord for con't & for ext of temp restraining Ord; Ext to 10/15/69 & OSC hrg con't'd to 10/15/69, at 2 P.M.;	

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69-217-KS

RINCON BAND OF MISSION INDIANS vs ESCONDIDO MUTUAL WATER CO, et al

D. C. 116 Rev. Civil Docket Confirmation

DATE	PROCEEDINGS	Date Order of Judgment Note
10/10/69	Fld Exhibits F, G and H to affid of David N. Brown; Proof of service;	
10/14/69	Fld affid of Robert S. Pelcyger;	
10/15/69	Fld supple Memo of Pts & Auths; Affid's of Frank Mazzetti, Florence C. Shipek and Robert C. Fox;	
10/15/69	Fld mtn for continuance; Pts & Auths in suppt of mtn; Affidavit of Robert S. Pelcyger;	
10/15/69	Ent hrg Pltf's pet for Writ of Mandamus; OSC & temp restraining Ord con'td to 10/29/69 at 2 P.M.; Ord mtn of Deft's Escondido Mutual Water Co for ext of time to respond to the complt & Ord shortening time granted; Deft to hv to 11/17/69 to respond to complt. (S)	
10/22/69	Fld supple memo of Pts & Auths by the City of Escondido Mutual Water Co in response to Ord to Show Cause & in oppo to mtn for prelim injunction;	
10/23/69	Fld affidavit of Robert C. Fox; Exh "P" attchd thereto;	
10/27/69	Fld affidavit of Robert S. Pelcyger; Paul Willis	
	Fld petition for lv to proceed in forma pauperis;	
	Fld affidavit of poverty in suppt of Pltf's petition for lv to proceed in forma pauperis; Secoid suppl memo of Pts & Auths;	
10/29/69	Fld reply of Deft's City of Escondido & Escondido Mutual Water Co. to Pltf's petition for lv to proceed in forma pauperis;	
10/29/69	Ent Ord that the Atty Gen & the Sec. of the Interior shall execute at their discretion to either proceed in this action, bring a separate action or clearly indicate in writing within approx 45 days fr today, wh why they feel the best interest of the Indians will demand that action not be proceeded with in this matter by the Govt;	
	IT IS ORD a fur hrg shall be held on 12/17/69 at 2 PM. (S)	
	IT IS FUR ORD that during this pd a prelim Injunction shall issue enjoining Deft fr any sale & IT IS ORD the cash or surety bond presently a posted shall continue in effect during the Prelim Injunction & thru 12/17/69; (S)	
	IT IS FUR ORD counsel for the Pltf shall prepare an Ord & to serve on other parties as to form for approval. (S)	
11/5/69	LODGED - Findings of Fact & Concln's of Law;	
	LODGED - Order for Preliminary Injunction;	
11/25/69	Fld stip & Ord ext time to ans or otherwise move. (S) Time ext to & include 12/29/69;	
12/1/69	Fld Ord directing Atty Gen. & Sec. of Interior to exercise discretion & con't temp restraining Ord, (S)	
12/8/69	Fld note of mtn for Summary Jgmt purs to Rule 56; Noted for 12/17/69 at 2 P.M.;	
12/10/69	Fld Ord con't hrg of Pltf's mtn for Summary Jgmt. (S) Con'td to 5/22/70, at 2 P.M.;	
12/11/69	Fld Affid of John A. Williamson;	
12/12/69	Fld Second Supple Memo of Pts & Auths by The City of Escondido & the Escondido Mutual Water Co. in Response to OSC & in Oppo to Mtn for Prelim Injunction. (12/12/69); Affid of Paul D. Engstrand;	
12/16/69	Fld Third Supplemental Memo of Pts & Auths;	
12/17/69	Fld Fourth Supple Memo of Pts & Auths;	
12/17/69	Fld Response of Atty Gen. & Sec. of the Interior to Court Ord dated Nov. 26, 1969; Exh. A & B attahd thereto;	
12/17/69	Ent hrg on OSC & temp restraining Order. (S)	
12/17/69	Ent Ord Pltf's exh's 1 thru 6 marked & Ord returned to counsel. (S)	
	Ent Ord that Pltf's applic to compel Govt. to become party to complt is hereby denied. (S)	
	Ent Ord that Govt's mtn to dismiss is hereby denied. (S)	

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69-217-XS RINCON BAND OF MISSION INDIANS VS ESCONDIDO MUTUAL WATER CO

DATE	PROCEEDINGS	Date Order or Judgment Noted
12/17/69	Ent Ord that OSC is denied & the Temp restraining Ord is discharged & monies Deft receives fr sale shall be deposited in reg of court until fur Ord of the Court. (S)	
	Ent Ord Pltf's mtn for Injunction pending appeal is hereby denied, (S)	
	Ent Ord that Pltf's mtn for an earlier hrg date then 5/22/70 is denied. (S)	
1/23/70	Fld application for rehearing; Exh "R" attchd thereto;	
2/2/70	Fld Order denying application for rehearing. (S) ENT 2/2/70	
2/2/70	Fld oppo by Deft's Escondido Mutual Water Co. & City of Escondido to Pltf's application for rehearing;	
2/13/70	Fld objections's to proposed Findings of Fact & Conclusions of Law & Order & request for additions & amendments;	
	LODGED- Order: Dissolving Temp. Restraining Ord; Denying mtns for pre-lim injunctions; Granting pre-lim injunction; Denying mtn for an injunction pending appeal; Denying Ord to require Atty Gen. to provide legal r epresentation or security; Granting mtn of Deft Mitchell to dismiss; and Denying mtn of Deft Hickel to dismiss;	
3/5/70	Fld Pltf's Interrogs to Deft Escondido Mutual Water Co.;	
3/13/70	Fld scrip: Re investment of money subject to Court Order;	
3/13/70	Fld Findings of Fact & Concl'n's of Law;	
3/23/70	Fld Ord (1) Dissolving Temp. Restraining Ord; (2) Denying mtns for pre-lim injunctions; (3) Denying mtn for an injunction pending appeal; (4) Denying demand that U.S. furnish legal representation or security; and (5) Denying mtn of Deft's Mitchell & Hickel to dismiss w/a prejudice. (S)	
3/19/70	Fld Notice of Signing Order;	
3/27/70	Fld note of mtn & mtn to dismiss, Noted for 5/22/70, at 2 P.M.;	
	Fld Deft's City of Escondido & the Escondido Mutual Water Co's first Interrogs. (Rincon)	
	Fld Deft's City of Escondido & the Escondido Mutual Water Co's first Interrogs. (La Jolla)	
	Fld Memo of Pts & Auths by the City of Escondido & the Escondido Mutual Water Co in suppt of mtn to dismiss;	
4/9/70	Fld notc of mtn for ext of time, etc. Noted for 5/22/70, at 2 P.M.;	
	Fld mtn for ext of time in which to file obj's or to ans Interrogs; And mtn to Ord the Sec. of the Interior to make files available for inspection by Pltf's, or in the alternative, to relieve Pltf's of the obligation to ans Interrogs; Affid of Robt. S. Pelcyger;	
4/22/70	Fld pet renewing pltf's requests for leave to proceed in Forma Pauperis. Lodged notice of appeal.	
5/15/70	Fld Pltf's first suppl memo of P&A's in support of mot for summary judgment; & affid of service by mail.	
5/15/70	Fld ORDER Denying re-newed request to proceed in Forma Pauperis with Appeal; Fld ORDER upon payment of filing fee, "NOTICE OF APPEAL" may be fld nunc pro tunc as of Apr 22, 1970. (E.J.SCHWARTZ)	
5/19/70	Fld ord transferring case under Local Rule 2 to the calendar of Judge Schwartz for all further proceedings. (T) (S)	
5/20/70	Fld stipulation & ord for cont by pltf XXXXXX to 6/12/70 at 2pm for hrg mts. (S)	
5/22/70	Ent ord that the hrg now set for 6/12/70 is cont to 7/24/70 at 2pm on mot due to recent transfer of the case to the calendar of Judge Edward J. Schwartz. (S)	
4/22/70	Fld "NOTICE OF APPEAL"	
5/25/70	Fld \$250 Travelers Indemnity Co. Performance Bond on Appeal (E.J. Schwartz)	
6/22/70	LODGED ord to show XXXXXX cause & temp restraining ord & Preliminary injunction	
6/1/70	Fld stip & ord that pre-trial is cont to 7/24/70 at 2pm (S)	

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 RINCON INDIANS Pacific Region Escondido Mutual Water Co.

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69-217-S

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D. C. 116 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Made
6/22/70	Fld mot for preliminary injunction and memo of P&A's in support thereof; T/W mot for temporary restraining order.	
6/22/70	Fld affd of Robert S. Pelcyger, with exhs attached. Fld OSC and temp restraining order set for July 1, 1970, 10 A.M., and Escondido Mutual Water Co, City of Escondido enter into any transaction re Escondido Mutual Water Co, and City of Escondido are directed to hold as "not accepted" offers re stock until fur ord of ct. said ord to expire within 10 days after entry unless extended, fur ord service of this xxx osc be served defts on or before June 22, 1970 (S) Ord plntf to post cash or surety bond in amt of \$500.	
6/23/70	Fld undertaking on temporary restraining order; KKK Fld \$500. Travelers Indemnity Company bond posted 7/23/70 (S)	
6/29/70	Fld affd of personal service by San Kolb; T/W; Affd of service delivery to atty personally as to Robert S. Pelcyger; Affd of service - delivery to atty personally by Daniel J. Taaffe and affd of service - delivery to attorney personally by Robert S Pelcyger.	
6/30/70	Ent ord that OSC & Temp restraining Ord, filed on 6/22/70 be extended to 7/8/70 at 10am; Fur ord all memo & affids to be submitted, be	
6/30/70	Fld on or before 7/1/70. (S) Ent ord parties shall xx have to & including, 7/2/70 to file all papers relating to the ord to show cause now set for 7/8/70. (S)	
7/2/70	Fld Mot and Ord Thereon to extend time to 8/13/70 to transmit Record to Appellate Court. (E.J. SCHWARTZ)	
7/2/70	Fld memo of P&A's by City of Escondido & Escondido water co. in response to OSC & in opposition to mot for preliminary injunction.; T/W; uffid of John A. Williamson; and affid of George M. Patterson.	
7/2/70	Fld suggestion of interest by San Pasqual Bank; T/W; memo of P&A's in support; Affid of Gary D. Weatherford & affd of service by mail.	
7/6/70	Ent ord that ord of the court, dated 7/2/70 extending time for Pltfr to transmit the record to Court of appeals Ninth Circuit, is hereby vacated. (S)	
7/6/70	Fld mot to shorten time for service of mot of mot & ord thereon. Ord that time for service of pltf's not of mot for appt of receiver, its memo of P&A's in support thereof, and its supporting affidavits is hereby shortened to & including 7/6/70; Fur ord that service XXXX shall include a copy of this mot & ord; & Fur ord tht a responsive pleading shall be filed by defts not later than 12:00 O'Clock Noon on 7/9/70 & hrg of said mot shall be held on 7/10/70 at 2pm. (S) ; Fld affd of Robert S; Pelcyger in support of mot; Memo of P&A's in support of preliminary injunction; with exhs attached; Fld mot & not of not for appt of receiver, NOTICED FOR 7/10/70 at 2pm; Affid of Robert S. Pelcyger in support of mot for appt of receiver. & memo of P&A's in support of mto for appt fa of receiver.	
7/8/70	Ent ord hrg ord to show cause & mot for temp restraining ord; Ord not denied on conditions to be set out in ord to be prepared by defense counsel. (S)	
7/8/70	Ent ord, by agreement between the parties, that the mot for appt of receiver, presently set for hrg on friday, July 10, 1970 is hereby ordered off calendar. (S)	
7/8/70	Fld affd of Harry W. Douglas proof	
7/10/70	Lodged findings of fact and conclusions of law & XXXX of service.	

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69- MAY. 28. 2008 8:39AM INCC. NARA AND OF MISSION INDIANS VS ESCONDIDO NO. 9411 WATP. 8CO.
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DATE	PROCEEDINGS	Date Order or Judgment Noted
7/21/70	Fld affid of O.P. Stewart; A. Benjamin Weven; James B. Dixon with exhs "A" & "B"; Donald R. Lincoln (F.R.C.P. 56f) with exhs "A" "B" & "C"; and affid of Donald R. Lincoln with exhs A thru W attached.	
7/21/70	Fld memo of P&A's by Pltfs in opposition to mot to dismiss, t/w, affid of service by mail, affid of Patricia A. Duro, and affid of James R. Parcell.	
7/21/70	Fld Deft's City of Escondido & Escondido Mutual Water Co. memo of P&A's in opposition to Pltf's mot for summary judgment, & proof of service.	
7/22/70	Fld affid of service--delivery to attorney personally.	
7/23/70	Fld corrections to Pleadings filed on 7/21/70 by attys for Deft City of Escondido & Escondido Mutual Water Co.	
7/23/70	Fld second suppl memo of P&A's in support of mot for summary judgment by Pltf, t/w, affid of service.	
7/24/70	Fld affid of Donald R. Lincoln (RE Letter of Solicitor of the Dept of the Interior 1/20/70). T/W, Exh "1" "2" & "3" & Suppl memo of P&A's in opposition to Pltf's mot for summary judgment.	
7/24/70	Ord Deft's mot to dismiss is hereby denied; Ord Pltf's mot for partial summary judgment is hereby denied, and counsel for the defense shall prepare the orders; Ord all other pending mots shall be taken care of by stipulation between the parties; Ord Deft Escondido Mutual Water Co. shall have 30 days in which to answer the complaint. (S)	
7/30/70	Lodged ord denying mot to dismiss and denying mot for summary judgment, by attys for deft.	
7/30/70	Fld ord denying mot to dismiss and denying mot for summary judgment; Ord Deft's mot to dismiss Pltf's complr is denied; Fur Ord Pltf's mot for summary judgment denied; Fur ord Deft's Escondido Mutual Water Co. & the City of Escondido each have thirty days within to file their respective answers to Pltf's complt. (S)	
8/3/70	Fld stipulation and order for cont of Pltf's mot for extension of time in which to file objections or to answer interrogatories; and XXXXXXXXXXXX mot to order the secretary of the Interior to make files available for inspection by Pltfs or, in the alternative, to relieve pltfs of obligation to answer interrogatories; Stipulated mots heretofore set for 7/24/70 shall be cont to 9/4/70 at 2pm. (S)	
8/3/70	Fld Secretary of the Interior & the Attorney General's objections to proposed findings of fact, conclusions of law and ord, filed by Defts on 7/10/70.	
8/7/70	Fld Plaintiff's objection to proposed order and request for reconsideration; T/W: Affid of Raymond C. Fisher, and affid of service.	
8/7/70	XXX Deft City of Escondido & Escondido Mutual WaterCo., FINDINGS of fact and conclusions of law; T/W Order dissolving temp. restraining ord and denying mot for prelin injunction upon conditions.	
8/7/70	Fld Deft City of Escondido & Escondido Mutual Water Co's ord dissolving Temp restraining ord and denying mot for preliminary injunction upon conditions. (S)	
	Fld Defts findings of fact & conclusions of law. (S) & proof of service.	
8/13/70	Fld Designation of Record, by Robt. S. Pelcyger, on Appeal.	

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D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
8/14/70	Fld Deft's Notice of signing of order denying mot to dismiss and denying mot for summary judgment, T/W, Proof of service.	
	Fld Deft's. Not of signing of findings of fact, conclusions of law and ord dissolving Temp restraining ord & denying mot for prelim injunction upon conditions, T/W proof of service,	
8/17/70	Fld stip and ORDER Dismissing as Moot certain issues on Appeal. (E.J. SCHWARTZ)	
8/17/70	Sent Clks Record (only) to C/A.	
9/1/70	Fld answer of Deft City of Escondido to complt.	
	Fld ANSWER, COUNTERCLAIMS AND CROSS CLAIMS of Deft Escondido Mutual Water Co.	
9/4/70	Ent ord mot by Pltf off calendar. (S)	
9/4/70	Fld stipulation and ord withdrawing mots and granting extension of time for pltf's to file objections or to answer interrogatories until pltf's have had a reasonable opportunity to study Govt Records. (S)	
9-18-70	Fld defts City of Escondido & Escondido Mutual Water Co. notice submitting operating agreement to the Secretary of the Interior & to the Federal Power Commission. T/W affid of service by mail.	
10-19-70	Fld stipulation and ord extending time to answer or otherwise move to and including 11-1-70. (S)	
2/2/71	Fld Deft Escondido Mutual Water Co.'s First response to Pltf's interrogatories.	
3/5/71	Fld notice of motion for court approval of a proposed "Operating Agreement" between mutual and city. NOTICED FOR 3/19/71 at 10 a.m. T/W affid of John A. Williamson; J.M. Burns, Jr.; and Paul D. Engstrand.	
3/10/71	Fld memo of P&A's by the city of Escondido and the and the Escondido Mutual Water Co. in support of mot for court approval of a proposed "Operating Agreement" between mutual and city; T/W; affid of Paul D. Engstrand, with exhs attached and affid of Charles G. Conway, with exhs attached.	
3-12-71	Fld ord on ex parte application to shorten time for filing & service of notice of mot for continuance of hrg on deft's not filed 3-5-71. Hrg set for 3-15-71 at 10am. (S) Fld ex parte application to shorten time for filing & service of notice of mot for continuance of hrg.	
	Fld notice of motion to continue hrg on defts mot for court approval of proposed operating agreement - Noticed for 3-15-71 at 10am. Fld Motion to continue hrg on defts' mot for court approval of proposed operating agreement, T/W affid of service.	
3-15-71	Fld affidavit of Paul D. Engstrand in response to affidavit of Keith E. McWilliams dated 3-12-71.	
3/16/71	Fld Sec of Interior's conditions for approval of a proposed operating agreement between the City of Escondido and The Escondido and The Escondido Mutual Water Co.	
3-29-71	Fld memorandum of P&A re: court approval of proposed "Operating Agreement" between mutual and city; Fld affidavit of Earle D. Goss.	
3/29/71	Fld Reply to the secretary of Interior's "Conditions for approval of a proposed operating agreement between the City of Escondido and the Escondido Mutual Water Company"	
3-30-71	Fld stipulation re: Judge's view that all parties waive all objections to a "view" by the Honorable E.J. Schwartz which is to take place 3-25-71 in company with said attys.	

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NO. 9411 TU P. 10. TER. CO.

PAGE 8

DATE	PROCEEDINGS	Date Order or Judgment Noted
3/30/71	Hrng mot for court approval of a proposed "Operating agreement" between Mutual Water and City of Escondido.	
	Ent ord court finds Federal Power Commission approval no longer required for the purpose of this present hrng; Court finds proposed operating agreement approved on various conditions as specified by the court, and order shall be prepared by Pltf and submitted to counsel and court for approval. (S)	
4-8-71	Lodged Findings of fact and conclusions of law & order approving the operating agreement along with letter from Higgs, Jennings, Fletcher & Mack dtd 4-8-71.	
4-21-71	Fld findings of fact and conclusions of law (S) Fld order approving the operating agreement; that defts shall supply La Jolla Band with all the water it can put to actual beneficial use; that any proposed modification or change in the Operating Agreement must be submitted for approval of this court; that conditions regarding payments to shareholders imposed by this court's order shall remain in full force and effect and subject to further order of this court; that the findings, conclusions and order entered herein is without prejudice to the rights, claims and interests of the San Paqual Band of Indians and without prejudice to any defenses or rights, claims or interests of Mutual or City in regard thereto; that this court expressly retains jurisdiction to make further orders concerning the supplying of water to said plaintiffs. (S) Mld cys to all encl.	
4/22/71	Fld correspondence from Paul D. Engstrand. (at request of Judge Schwartz)	
4/22/71	Fld proof of service by mail for papers file on 4/21/71	
5-7-71	Fld proof of service by mail for Findings of fact fld 4-21-71. Lodged plntf's pre-trial stipulation and order setting certain legal issues for interlocutory determination.	
6-14-71	Fld stipulation and order re: interconnection of city and mutual water lines w/order thereon granting same. (S)	
6/21/71	Fld Deft City of Escondido & Escondido Mutual Water Co.'s Stip & ord RE: submission of description of rights of way across Rincon & LaJolla Reservations, heretofore set for 6/21/71, shall be cont to 7/15/71. (S)	
7/15/71	Fld FPC Exhs K, consisting of eleven maps.	
7/21/71	Fld Defts stipulation and order RE investment of funds (S), T/W, Affid of William G. Mitchell.	
9/16/71	Fld Pltf's attorney's change of address.	
10/13/71	Fld reports of Southern California RST National Bank.	
10-15-71	Fld deft's not of mot & not to modify the court's ord & allow the payment of semi-annual payments to ESCONDIDO MUTUAL WATER COMPANY'S SHAREHOLDERS T/W affidt of svc by mail thereto. <i>Noticed for 10-26-71 at noon.</i> Fld deft's MEMO of PTS and AUTHORITIES in support of not to modify the court's ord & allow the payment of semi-annual payments to ESCONDIDO MUTUAL WATER COMPANY'S SHAREHOLDERS T/W affidt of svc by mail thereto. Fld affidts of GEORGE M. PATTERSON, DOROTHY JEAN GRANT, MARY E. CHISM ANN M. ELLISON, and NOE PEREA T/W affidt of svc by mail thereto.	
10-19-71	Fld substitution of attys: JENNINGS, ENGSTRAND & HENRIKSON in place of HIGGS, JENNINGS, FLETCHER & MACK w/ approval thereto. (S) T/w affidt of svc by mail thereto.	
10-22-71	Fld memo of P/A in opp to mots to modify Court's orders & allow payment of semi-annual payments to Escondido Mutual Water Co.'s shareholders.	

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Pacific Region (Laguna) ESCONDIDO MUTUAL WATER CO.

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D. C. 110 Rev. Civil Decree Continuation

DATE	PROCEEDINGS	Date Order or Judgment Made
10-26-71	Ent ord debts mot to modify Gr's ord & allow paymt of semi-annl paymt to Escon. Mut. Wat. Co. shareholders is hereby denied & counsel for plntf shall prepare ord. (S)	
11-19-71	Fld debts' objections to proposed findings of fact & conclusions of law.	
12-1-71	Fld mot of mot, mot, mot for hrg on Fed. Defts' mot to dismiss, affid of serv by mail from plntf; noticed for 12-13-71 at 2pm.	
12-13-71	Hrg plntf's mot for a determination of Fed. Defts' mot to dismiss - ent ord mot denying Fed. Defts' mot to dismiss shall stand as heretofore entered & Govt has 60 days to answer complaint. (S)	
1-10-72	Fld Findings of Fact and Conclusions of Law, denying debts' mot to modify Court's previous orders re distrib. of semi-annual payments. (S)	
1-12-72	Fld ord denying mot to modify court orders of 8-7-70 & 4-21-71 re payments to shareholders of Escondido Mutual Water Co. (S) Mid cys to counsel.	
2-22-72	Fld motion of plaintiffs for further extension of time for defendants to file answer. Fld order extending time for Secretary of Interior & Attorney General to file an Answer to 4-17-72. (S)	
6-6-72	Fld Notice of Hearing reg flg c.c. judgmt from USCA affirming decision of USDC, set for 6-19-72 at 10am.	
6-19-72	Ent ord c.c. judgmt from USCA affirming decision of USDC be fld & ent. (S)	
7-5-72	Fld c.c. judgmt from USCA affirming decision of USDC, (Ent 6-20-72)	
7-5-72	Fld defendant's Answer - For Secretary of Interior & Attorney General of U.S., affid of serv by mail.	
7-17-72	Ent ord S/C set for 8-4-72 @10am. (S)	
8-4-72	Status Conference held. (S)	
9-27-72	Fld plaintiffs' notice of motion, motion to amend court order & to make order applicable to Vista Irrigation district; Fld notice of motion & motion to consolidate; Fld motion to shorten time for service of notice of motion with order(S), memo of P/A in suppt of mot to amend order; noticed for 10-2-72 at 10am.	
9-28-72	Fld affid of Robert S. Pelcyger.	
9-28-72	Fld affid of Robert D. Ringo.	
9-29-72	Fld affid of personal serv of above affida.	
9-29-72	Fld affid of serv by mail of papers fld 9-27-72 & 9-28-72.	
10-2-72	Fld affid of Richard S. Harper. Fld affid of James A. Hanson. Fld memo in opposition to plaintiffs' motion to require water released from Henshaw Dam during months of October & November, 1972. Fld notice of acceptance of service of above documents.	
10-2-72	Ent ord plntf's mot to amend Ct's order of 4-21-71 denied; ord plntf's motion to consolidate actions of 69-217, 72-276, & 72-271 granted; ord counsel for plntf to prepare order. (S)	
10-13-72	Lodged Findings of Fact & Conclusions of Law, order denying motion to amend court order & to make order applicable to Vista Irrigation Dist. & granting motion to consolidate, certif of mailing.	
10-20-72	Fld Objections to proposed findings of fact & Conclusions of law.	
10-26-72	Fld affid of service by mail to objections to proposed findings of fact & conclusions of law.	
10-31-72	Fld stip & order for extension of time to answer or otherwise reply to complaint to 11-30-72. (S)	
11-2-72	Fld stip extending time of Vista Irrigation Dist. to answer or otherwise plead to 11-10-72. (S)	
11-29-72	Fld stip for continuance to 1-8-73 at 10am; stip time for plaintiffs to submit memo of P/A in opp to mot to dismiss extended to 12-12-72. (S)	

- (S) -

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NO. 9411

P. 12

69-217-S Rincon Indians

vs Escondido Mutual Water Co.

69-217-S

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-6-72	Fld Findings of Fact & Conclusions of Law; fld order denying motion to amend court order to make order applicable to Vista Irrigation District & granting motion to consolidate. (S) Fld affd of serv by mail.	
12-19-72	Fld not of mot, motion to dismiss & for more definite statement, affd of serv by mail; noticed for 1-9-73 at 10am. Fld P/A in suppt of mot.	
12-22-72	Fld affd of serv by mail of above documents fld 12-19-72.	
1-4-73	Fld statement of US position, hrg on motion to dismiss: that U.S. interposes no objection to action by Rincon & LaJolla Bands of Mission Indians against Vista Irrigation Dist; that policy of US is to permit Indians to have their day in court & to pursue their cause of action in any manner they feel will advance their best interests.	
1-8-73	Fld Response of Rincon & La Jolla Bands of Mission Indians to motion of Escondido Mutual Water Co. to dismiss Civil Case No. 72-271-S, affd of serv by mail.	
	Fld memo of P/A in opp to defts' motion to dismiss & motion for more definite statement, fld by US Atty.	
1-9-73	Hrg mot to dismiss case 72-271-S - ent ord denied.	
	Hrg mot to dismiss case 72-276-S - ent ord denied; ord counsel for plntfs to prepare order. (S)	
1-19-73	Ldgd order denying motions to dismiss Civil Nos. 72-276-S & 72-271-S, certif of mailing.	
1-23-73	Fld affd of serv by mail of statement of US position, hrg on mot to dismiss in Civil No. 72-276-S.	
1-30-73	Fld order denying defense motions to dismiss Civil No. 72-271-S & 72-276-S & ord that motion of Escon. Mut. Water Co. for more definite statement in Civil No. 72-271-S denied. (S) Mld cys to counsel. (Ent 1-31-73)	
4-30-73	Fld Deft Escondido Mutual Water Company's ANSWER and counter-claims.	
5-2-73	Fld affd of serv by mail of Answer fld 4-30-73.	
5-14-73	Fld Amended Answer of deft Vista Irrigation, affd of serv by mail, to 72-271-S.	
5-15-73	Fld voluntary dismissal without prejudice of first, second, & third cross claims of deft Vista Irrig. Dist. in Case No. 72-271-S, affd of serv by mail.	
5-16-73	Fld withdrawal of motion to dismiss, affd of serv by mail.	
	Fld motion for preliminary injunction & orders pendente lite, affd of serv by mail.	
	Fld memo of P/A in suppt of request for injunction & orders pendente lite.	
5-17-73	Fld not of mot, mot to join plntf USA mot for preliminary injunction & orders pendente lite, memo of P/A, decl of serv by mail; noticed for 5-29-73 at 10am.	
5-21-73	Fld affd of John R. Crippen.	
	Fld memo of P/A of Rincon & La Jolla Bands of Mission Indians in suppt of mot of US for prelim. injunction & orders pendente lite, affd of pers serv.	
5-29-73	Fld affids of Edward T. Arviso & William Howard Kolb, certif of serv in person & by mail.	
5-29-73	Ent ord mot for prelim. injunction & order pendente lite cont to 6-6-73 at 9:30am for hrg. (S)	
5-31-73	Fld joint memo of Escondido & Vista in opp to request for injunction & orders pendente lite, affd of Donald R. Lincoln, affd of Lawrence R. Michaels, affd of James A. Hanson, affids of Thomas M. Wilson & David O. Powell with differences in computed & published inflow to Lake Henshaw, affd of David O. Powell, affd of Thomas M. Wilson, affd of serv by mail.	

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69. MAY. 28. 2008 8:42AM INCON NARA NO. OF MISSION INDIANS Archives and Records Adminis NO. 9411 P. 13 217-S
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ESCONDIDO MUTUAL WATER CO.

D. C. 110 Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Entered
6-1-73	Fld not of mot, mot to modify Ct orders by releasing all impounded semi-annual payments & permitting direct payment of future semi-annual payments to tendering shareholders of Escondido Mutual Water Company, affid of Richard S. Harper, affid of William G. Mitchell, memo of P/A, affid of serv by mail; noticed for 6-18-73 at 10am.	
6-5-73	Fld affid of Thomas M. Stetson.	
6-6-73	Hrg mot for prelim. injunction & order pendente lite - Rincon Band of Mission Indians make motion to withdraw from joinder in motion for preliminary injunction - ent ord not granted. Ent ord motions of Govt for prelim. injunction etc. are denied - ord defts to prepare findings & conclusions. (S)	
6-18-73	Ent ord motion to modify Court's order cont to 6-25-73 at 10am. (S)	
6-20-73	Fld suppl affid of William G. Mitchell, affid of serv by mail.	
6-22-73	Fld statement of U.S. in opp to motion of Escondido Water to modify Ct's orders by releasing all impounded semi-annual payments & permitting direct payment of future semi-annual payments to tendering shareholders of Escondido Mutual Water Company in this case, affid of serv by mail. Fld plaintiffs' memo of P/A of Rincon & La Jolla Bands of Mission Indians in opp to motion to modify Ct's Orders by releasing all impounded semi-annual payment & permitting direct payment of future semi-annual payments to tendering shareholders of Escondido Mutual Water Co. in this case.	
6-25-73	Hrg mot to modify Ct's orders by releasing all impounded semi-annual payments & permitting direct payment of future semi-annual payments to tendering shareholders of Escondido Mutual Water Co. in this case - ent order motion denied; ord plntf to prepare order. (S)	
6-29-73	Fld stip for continuance with order thereon cont matter from 6-18-73 to 6-25-73 at 10am. (S)	
7-19-73	Fld order re investment of funds in this case, modifying modification of 7-21-71 of court orders of 8-7-70 & 4-21-71 as follows: the \$100,000 deposit & any other payments shall not be distributed distributed without further order of the court; ord said monies deposited with Southern California First National Bank, said monies not to be invested in any interest bearing obligations of City of Escondido; ord any monies which cannot be invested up to a maximum of \$1,000.00 shall be put in federally insured saving account of said bank, with said bank to report to court & all parties hereto any changes in investments of said monies & shall report monthly any changes in amount of said total deposits due to accruals or otherwise. (S)	
	Ldgd findings of fact & conclusions of law, order denying motion of U.S. for prelim. injunction & orders pendente lite, affid of serv by mail.	
8-6-73	Fld objections of the Rincon and La Jolla bands of Mission Indians to proposed findings of fact and conclusions of law	
8-10-73	Ldgd Findings of Fact & Conclusions of Law; Ldgd order denying motion of U.S. for prelim. injunction & orders pendente Lite, affid of serv by mail. Sent all cys to Judge Schwartz.	
8-13-73	Ldgd order denying motion to modify Court's orders by releasing all impounded semi-annual payments & permitting direct payment of future semi-annual payments to the tendering shareholders of Escondido Mutual Water Co. in this case, certiff of mailing. Sent all cys to EJS.	
8-13-73	Fld Findings of Fact & Conclusions of Law & order denying motion of U.S. for preliminary injunction & orders pendente lite. (S) (Ent 8-14-73)	
8-14-73	Fld objections of U.S. to Findings of fact & conclusions of law submitted by deft Escondido Mutual Water Co., affid of serv by mail.	
8-15-73	Fld order denying motion to modify Court's orders by releasing all impounded semi-annual payments and permitting direct payment of future	

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-15-78 (cont)	semi-annual payments to the tendering shareholders of Escondido Mutual Water Co. in this case. (S)	
5-21-76	Fld Deft Stip re Pala Reservation, Vista Irrigation Dist & contract between William G. Henshaw & USA dtd 6-28-22 approved & ord. (S)	
6-14-76	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
8-16-76	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
9-15-76	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
11-4-76	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
12-15-76	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
1-18-77	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
2-10-77	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
3-17-77	Fld Ca. 1st Bank Statements of Accts #13136 & 18306.	
4-15-77	Fld Ca. 1st Bank Stmts of Accts #13136 & 18306.	
5-13-77	Fld Ca. 1st Bank statements of Accts #13136 & 18306.	
6-15-77	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
8-2-77	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
8-10-77	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
9-16-77	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
10-13-77	Fld Mot of mot and mot to mod the cts ord by releasing all Impounded Semi-Annual payments and permitt direct payment of future semi-annual pay to the tendering shareholders of Escondido Mutual Water Co. set for 10-31-77 @10:30am. t/w Affid of Richard S. Harper and William G. Mitchell t/w Memo of P & A in support of mot.	
10-17-77	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
10-31-77	Ent ord hrg deft mot to mod cts ord by releasing all impounded semi-annual pay and permitt direct pay of fir semi-annual pay to tend shoreholders of Escondido Mutual Water Co. Mot cont 11-29-77 @9am. (S)	
11-7-77	Fld Stip and ord that mot to mod ct ord by releasing all impounded etc be cont to 11-29-77 @9am. (S)	
11-10-77	Fld Ca. 1st Bank state of accts #13136 and 18306.	
11-18-77	Fld Memo of P & A in opp to mot to mod ct ord. t/w Certificate of service.	
11-21-77	Fld Memo in opp to deft mot to mod the cts ord requiring the cts control of the semi-annual payments to tendering shareholders of Escondido Mutual Water Co. t/w Certificate of service.	
11-23-77	Fld deft City of Escondido & Escondido Mutual Water Co. supp memo in suppt of mot to mod Cts. ord by releasing all impounded semi-annual pymts t/w affid of serv.	
	Fld defts City of Escondido & Escondido Mutual Water Co. affid of Lawrence R. Michaels.	
11-29-77	Ent ord hrg deft mot to mod cts ord etc Ent ord cont to 1-31-78 @9am 1977 For status conf. (S)	
12-14-1978	Fld Ca. 1st Bank statements of accts #13136 & 18306.	
1-5-1978	Ent ord on cts own mot hrg cont 2-22-78 @9am. date of 1-31-78 vacated. (S)	
	Fld Findings of fact and conclusions of law. (S)	
JAN 5 -	Fld ord deny ing mot to mod the cts ords by releasing all impounded semi-annual payments to tendering shareholders of Escondido Mutual Water Co. (S) (ENT 1-9-78)	
	Fld Certificate of service as to Find of fact and conclusions of law, and ord denying mot.	
2-13	Fld Ca. 1st Bank statements of accts #13136 and 18306.	
2-22	Status conf., P/T ord to be lodged by 11-1-78 Ent ord P/T set for 11-13-78 at 10:30am Trial set for 2-13-79 at 9am. (S)	
3-15	Fld Ca. 1st Bank statements of accts #13136 and 18306.	

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CIVIL DOCKET CONTINUATION SHEET

Pacific Region (Laguna Niguel)

FD-111A-3.12.76 (504) (501)

PLAINTIFF		DEFENDANT	DOCKET NO. 69-0217-S PAGE 13 OF 13 PAGES
Rincon Bank of Mission Indians		Escondido Mutual Water Co.	
DATE	NR.	PROCEEDINGS	
1978 4-3		Fld Not of mot set for 4-24-78 at 10:30am. Fld Mot for leave to file an amended complt. and Memo of P & A in support of. LODGED First Amended complt. as to Civil case #71-0271-S. and cert of service	
4-14		Fld Ca. 1st Bank statements of accts #13136 & 18306.	
4-13		Fld Not of mot set ofr 4-24-78 at 10:30am. and mot to add and drop parties. and Memo of P & A in support of. and cert of service.	
4-19		Fld Mot to remove hrg form calendar, So ord. (S)	
4-21		Fld Not of taking mot to add and drop parties off calendar t/w cert of service.	
5/22	---	Fld Ca. 1st Bank Statements for Accts #13136 thru #18306.	
6-21		Fld CA 1st Bank statements of accts #13136 & 18306.	
6-26		Fld stip & ord thereon that none of the parties hereto will oppose the mot fld by the U.S.A. for leave to file an amended complt in Civil #72-271-S. (S)	
6-29		Fld addendum to the stip of 2-22-78 and order thereon. (S) Fld stip & ord that Sec. of Interior & Atty Gen are dropped as parties deft in Rincon Bank of Mission Indians et al. vs Escondido Mutual Water Co., et al., & Rincon & La Jolla Bands of Mission Indians are added as parties in Civil 72-271-S. (S)	
7-20		Fld. Ca. first Bank Stmts for acct 12126-00-0 (JUNE)	
7-24		Fld Pltfs request for production of documents, w/affid of serv.	
8-14		Fld Pltfs request for admissions, w/affid of serv. Fld stip & ord thereon that defts Escondido Mutual Water Company and Vista Irrigation District may have an extension of time fr 7-26-78 to and including 8-18-78 in which to answer or otherwise respond to the amended complnt, Civil No. 72-271-S. (S)	
8-15		Fld CA First Bank statements for accts 13136-00-0 through 13136-16-2.	
8-23		Fld CA First Bank statements for accts 18306-00-3 through 18306-12-9.	
8-23		Fld stip & ord that defts Escondido Mutual Water Company and Vista Irrigation District may have an extension of time fr 8-18-78 to and including 9-5-78 in which to answer or otherwise respond to the amended complnt, Civil No 72-271-S. (S)	
8-24		Fld stip for extension of time & ord thereon re req for admissions in that deft Escondido Mutual Water Company may have an extension of time from 8-23-78 to and including 9-5-78 in which to answer or otherwise respond to the req for admissions. (S)	
9-8		Fld deft Escondido Mutual Water Company's response to pltf United States' req for admissions Fld ANSWER & COUNTERCLAIMS by deft Escondido Mutual Water Company to the FIRST AMENDED COMPLNT in civil case 72-271-S t/w exhibits and affid of serv	
9-18	----	Fld California First Bank statements of accts #'s 13136-00-0; 13136-01-9; 13136-03-7; 13136-04-6; 13136-05-5; 13136-06-4; 13136-07-1; 13136-08-2; 13136-09-1; 13136-10-8; 13136-11-7; 13136-12-6; 13136-13-1; 13136-14-4; 13136-15-3; 13136-16-2; 18306-00-3; 18306-01-2; 18306-02-1; 18306-03-0; 18306-04-9; 18306-05-8; 18306-06-7; 18306-07-6; 18306-08-1; 18306-09-4; 18306-10-1; 18306-11-0; 18306-12-9	
9-21		Fld deft Vista Irrigation District's response to pltf United States request for admissions t/w cert of serv	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
10-3-78		Fld ANSWER of deft VISTA IRRIGATION DISTRICT to FIRST AMENDED COMPLNT (CIVIL #72-271-S) t/w cert of serv	
10-12		Fld. Calif. first stmt of accts 13136 & 18306.	
11-6		Fld. stip extending time to respond to counterclaims & ord thereon extending time to 12-7-78 to ans. (S)	
11-13		Ent. ord. P/T hrg. cont. to 1-8-79 at 10:30am (S)	
11-13		Fld. plttf not. of mot. & mot. to dismiss, memo of pts. & auths in support, & cert of serv. Ntc for 1-8-79 at 10:30am.	
11-20		Fld. Calif. first stmt of accts 18306 & 13136.	
12-14		Fld. Calif. first Bank stmt of accts. 18306 & 13136.	
12-27		Fld. mot. to vacate mot. to dismiss set for 1-8-79 at 10:30 by plttf.	
1-4-79		Fld. stipulation & ord. setting P/T & trial date to 6-25-79 w/ord. thereon (S)	
		Fld. stipulation & ord. re selling of land -further that the money obtained from land sale shall be kept in a separate acct in the City of Escondido's general fund pending fur. ord. of the ct. (S)	
1-17		(Ent. 1-4-79) Fld. Calif. first Bank Stmt of accts 13136 & 18306	
1-18		Fld stip of facts (S)	
2-15		Fld. Calif. First Bank Stmt of accts 13136 & 18306 for 01-1-79.- 1-31-79.	
3-13		Fld. Calif. First Bank Stmt of accts 13136 & 18306 for 2-1 thru 2-28-79.	
4-25		Fld. Calif. First Bank Stmt of accts 13136 & 18306 for 3-10 thru 3-31-79	
4-20		Fld plttf not. of mot. & mot for partial S/J. Ntc for 5-14-79 at 10:30am before Judge Schwartz.	
4-26		Fld. plttf not. of mot. & mot to join in mot for partial S/J of the US t/w pts. & auths in support & cert of serv. Ntc for 5-14-79 at 10:30 am.	
4-30		Fld. plttf legislative history of the Mission Indian relief act	
5-2		Fld. plttf mot. for partial S/J- belongs w/not of mot fld. 4-20-79.	
5-14		Ent.ord. gov't & Ind Band mots for partial S/J cont. to 7-16-79 at 10:30am. P/T hrg. cont. to 10-1-79 at 10:30am. Trial date of 6-25-79 vacated. J/T reset for 11-13-79 at 9am. (S)	
5-16		Fld. Calif. First Bank Stmt of accts 13136 & 18306 for 4-1-79 thru 4-30-79.	
5-21		Fld. stip & ord. settg new pretrial sched-formal P/T conf set for 10-1-79 at 10:30am & hrg mot to dismiss counterclaims & for partial S/J set for 7-16-79 (S) Mld. cyps.	
6-14		Fld. Calif First Bank Stmt of accts 13136 & 18306 for 5-1-79 thru 5-31-79.	
7-10		Fld. stip & ord. setting new sched for briefing & hrg. US mot. to dismiss Mutual's counterclaims & US & Banks; mot. for partial S/J to 8-13-79 at 10:30am. (S)	
7-16		Fld. Vista Irrigation Dist. memo of pts & auths in oppos to US & Bank mot. for partial S/J. t/w proof of serv. Fld. Defts City of Escondido & Escondido Mutual Water's memo in oppos to US mot to dismiss counterclaims, affid of Donald Lincoln & memo in oppos to mot. for partial S/J on behalf of Escondido. t/w cert of serv.	

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NO. 9411 P. 17

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 69-217-S PAGE 15 OF 15 PAGES
Rincon Band of Missn Indians		Escondido Mutual Water et al	
DATE	NR.	PROCEEDINGS	
7-17-79		Fld. Calif. First bank stmts of accts 13136 & 18306. fr. 6-1-79 to 6-30-79.	
7-18		Ent. ord. good cause apprg. cont. to 8-20-79 at 10:30am in ct rm no. 1 for hrg. Vacate 8-13-79. (S)	
8-6		Fld. defts Escondido Mutual Water & City of Escondido's memo in oppos to US' & Bands' mot for partial S/J on behalf of Escondido t/w appendix & cert of serv. .	
8-13		Fld. Calif. First Bank Stmt of accts 13136 & 18306 fr. 7-1-79 to 7-31-79.	
8-14		Fld. stip w/ord. that the USA shall file reply to defts mot by 8-13-79. (S)	
		Fld. plttf reply memo in support of mot. for S/J.	
		Fld. plttf reply memo in support of mot to dism counterclaims t/w cert of serv.	
		Fld. plttf reply memo(USA's) in support of its mot for partial S/J.	
		Fld. plttf reply memo of USA in support of its mot to dism Escondido counterclaim.	
		Fld. proof of serv of USA reply memos.	
8-16		Ent. ord. good cause apprg. cont. to 8-27-79 at 9am in ct rm no 1. 8-20-79 vacated. (S)	
8-27		Fld. defts City of Escondido supplemental memo in oppos to the mot of US & Indian Bands for partial S/J.	
		Ent ord. hrg- on mots Indians' mot. to join in mot for Partial S/J granted. Govt's mot. for Partial S/J granted as to 1-4 & 6 & 7 defenses. Gov't mot. to dism Mutual's counterclaims granted as to 1st & 3rd & denied as to 5th through 10th. Pltffs to prep ord. Pltffs counsel to submit any further briefs in reply to supplemental pts & auths fld. 8-27-79. After these brief have been fld the major mot for S/J is deemed submitted. (S)	
9-4		LODGED House rept on Indian Affairs. (Given to Judge)	
		Fld. plttfs supplemental memo t/w cert of serv.	
		Fld. plttf USA's reply memo to supplemental memo submitted by Escondido Mutual Water. t/w cert. of serv.	
		LODGED PROP ORDER . Fwrd original & two copies to Judge for approval	
		Fld. Escondido's comments on & modifications to plttfs' prop findings & conclusions re partial S/J mot. t/w cert of serv.	
9-6		LODGED PROP JUDGMENT RE PLTTFS' MOT. FOR PARTIAL S/J	
		Fld. second supplemental memo of the La Jolla & Rincon Bands of Missn Indians in support of mot. for partial S/J. t/w cert of serv.	
9-7		Fld. defts second supplemental memo in oppo s to the mot of the US & Indian Bands for partial S/J. t/w cert of serv.	
9-11		Fld. Band's response to Escondido's comments concerning prop findings of fact & conclusions of law t/w cert of serv.	
		Fld. Escondido's reply to supplemental flgs by the Bands. t/w cert of serv.	
		Fld memorandum dec. w/ord. that the 1894 Contract is void to the extent it purports in any way to affect the interest of Rincon Bands pertain. to reservations lands or water rights for failure to comply w/ precs 8 of MIRA; 1894 Contract is not void for failing to comply	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-9-7-78

PLAINTIFF		DEFENDANT	DOCKET NO. <u>69-0217-9</u>
MISSION BAND OF INDIANS		ESCONDIDO MUTUAL	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
9-11	cont	w/28:81. it is valid to the extent that it grants a right of way across the Potrero Reservat. for the canal & permits the diversion of river water into the canal.; The 3-25-08 permit approved by the Sec. & purporting to grant a right of way for a canal across the Potrero, Rincon & San Pasqual Reser. confers no valid rgt. of way to EMW for its canal. ; the 1914 Contract is void ab initio to the extent that it purports to alienate or convey the 1.72 acres of land on which the Rincon power plant was constructed; further that it is void to the extent that it purports to be a conveyance or limit. of the Rincon's water rghts. in the San Luis Rey River; The 1922 Contract is void ab initio to the extent that it purports to be a conveyance or limitation of the Bands' water right in the San Luis Rey River. (S) (Ent. 9-11-79) Mld. cpys.	
9-11		Fld. ord. - the US' mot for partial S/J seeking a decl. is granted. the court lacks jurisdiction over 2 counterclaims fld. by EMW seeking decl relief. US Mot to dismiss 2 counterclaims granted; US' mot to dismiss 6 counterclaims seeking recoupment is denied. (Ent. 9-11-79) Mld. cpys. (S)	
9-17		Fld. plttf response of the US to the Escondido prop findings & concl. of law. t/w cert of serv.	
9-19		Fld. Calif First Bank Stmt of accts 13136 & 18306 for 8-1-79 thru 8-31-79.	
9-20		Fld. plttfs not. of mot. & mot. to amend the ct 9-11-79 memorandum dec., memo of pts. & auths in support & cert of serv. Ntc for 10-29-79 at 10:30am. before Judge Schwartz.	
9-24		Fld. not of change of counsel -Kenneth Marra & William White are now counsel of record t/w cert of serv.	
9-27		Fld. plttf memo in support of Rincon & La Jolla Bands; mot to amend the memo dec. of 9-11-79.	
9-28		Ent. ord. good cause apprg. on the ct's own mot P/T hrg. date of 10-1-79 vacated & reset for 10-29-79 at 10:30am. (S)	
10-3		Fld. stip resetting P/T conf to 11-13-79. at 10:30am. (S) Fld. stip cont mot for modification of ct's memo to 11-5-79 at 10am. (S)	
10-9-79		Fld not of mot of mot requesting amendments to ord & to memo fo decision on mot for partial summary judgment, T/W mot requesting amendments to ord & memo of decision on mot for partial summary judgment, & memo of P&A in support. Noticed for 11-5-79 at 10:30am Fld cert of service	
10-16		Fld. Calif. First Bank stmt of accts 13136 & 18306.	
11-5		Fld. stip resetting hrg. on mot to amend ord. to 12-17-79 at 10:30am (S)	
11-20		Fld. Calif. First Bank Stmt of accts 13136 & 18306 for 10-1 thru 10-31-79.	
12-3		Fld. US', La Jolla & Rincon Bands not of mot & mot for fur, necessary & proper relief, memo of pts & auths in support & proof of serv Ntc for 1-14-80 at 10:30am in ct rm no 1. before Judge Schwartz.	
12-4		Fld. amended not of mot of US, La Jolla & Rincon Bands. Ntc for 1-14-80 at 10:30am. t/w cert of serv.	

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MAY. 28. 2008 8:45AM

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 69-217-S
MISSION BAND OF INDIANS		ESCONDIDO MUTUAL	PAGE 17 OF 17 PAGES
DATE	NR.	PROCEEDINGS	
12-14		Fld. California First Bank Stmt of accts 13136 & 18306 for 11-1-79 thru 11-30-79.	
12-14		Fld. stip & ord. cont P/T & mot for fur. necessary & proper relief- reset to 1-9-80 at 9am. (S)	
12-21		Fld. plttf [redacted] [redacted] Fld. plttf memo of pts. & auths in oppos to mot requesting amend- ments to ord & memo dec granting partial S/J. Fld. plttf not of conditional mot & mot requesting amendment to memo dec granting partial S/J. , memo of pts. & auths in support. Fld proof of serv. as to all docs fld 12-21. Ntc for 1-9-80 at 9:30 Fld. deft City of Escondido's memo in oppos to plttfs' mot to amend the ct's memo dec of 9-11-79 t/w cert of serv. Fld deft City of Escondido supplemental memo in support of defts request for certification t/w exhbts & cert of serv.	
1980 1-2-80		Fld. plttf's reply to deft's supplemental memo as it relates to mot for fur., necessary & proper relief t/w proof of serv. Ent. ord. hrg. mots- plttfs' mot to modify ct ord. granted except footnote 5 stands. Deft's mot to amend ct's ord.-granted; memo dec. & ord. dated 9-11-79 certified for interlocutory appeal under 28: 1292. Plttf's mot for fur, necessary & proper relief denied. Plttfs' conditional mot requesting amendment to memo dec granting partial S/J denied. P/T settg-ord. off cal. Deft's to prep ord. covering this hrg & submit to plttfs for approval. Ct. will amend memo dec dated 9-11-79 to delete certain portions according to its ruling, and will amend the ord. to include cert. for interlocutory appeal. (S)	
1-8		Fld. amended memorandum dec & ord on mot for partial S/J-w/ord. that this ct is of the opinion that the iss. disposed of in this ord. involve controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the ord. may mat. advance the ultimate termination of the litigation. (S) (Ent. 1-10-80) Mld cpys. Fld. amended ord. re mot hrg- US' mot for partial S/J seeking a declaration to the effect mentioned in the ord is granted; Mot to dismiss 2 counterclaims (US) granted; Mot of US to dismiss counterclaims for recoupment is denied. Fur. that it is certified that this ct. is of the opinion that the iss. disposed of in this ord. involve controlling questions of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation. (S) (Ent. 1-10-80) Mld cpys.	
1-9			
1-15		Fld. California First Bank Stmt of accts 13136 & 18306 for 12-1-79 through 12-31-79.	
1-17		Fld ord.-the mot to amend the ct's memo dec. of 9-11-79 is granted in part & denied in part; Portion of plttfs' mot seeking an amend- ment or modification to footnote 5 page 8 of memo dec is denied; Defts' mot requesting amendments to the ord. & memo dec is granted; Plttf's mot for fur, necc. & Proper relief is denied w/o prejudice Plttfs' conditional mot requesting an amendment to the memo dec. has been denied as superfluous since the ct. has granted deft's mot and has certified all iss decided in its 9-11-79 memo dec. P/T prev sched is vacated subject to being reset upon mot of either party. (S)	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-0.7-70

PLAINTIFF		DEFENDANT	DOCKET NO. 69-217-S PAGE ____ OF ____ PAGES
RINCON BAND ET AL		ESCONDIDO MUTUAL WATER CO ET AL	
DATE	NR.	PROCEEDINGS	
1-17	cont.	(Ent. 1-17-80) Mld cpys.	
2-14		Fld rept of California First Bank 13136 & 18306 for period of 1-1-80 through 1-31-80.	
3/13		Fld rept of California First Bank Accts 13136 & 18306 for period of 2/1/80 through 2/29/80.	
4/17		Fld rept of California First Bank Accts 18306-00-3 for period of 3/01/80 - 3/31/80.	
		Fld rept of California First Bank Accts 13136-00-0 from 3/01/80 - 3/31/80.	
4/18		Recv'd ord from the USCA that the petition for permission to appeal pursuant to 28:1292(b) is DENIED.	
5-21		Fld rept of California First Bank 13136 & 18306 for period of 4-01-80 thru 4-30-80	
6-17-80		Fld rept of California First Bank Acct No. 13136-00-0 thru 01-13-80 thru 07-24-80 and 13136-09 thru 24 from 5-1-80 thru 1-31-80 and 18306-00 thru 12 from 5-1-80 thru 5-31-80	
6-27		Fld notice of Motion & motion NOTICED FOR 7-14-80 at 9am; T/W memo of P&A's and affid of Robert S. Pelcyger. Exh A Attached.	
6-27		Fld notice of motion and motion for further partial summary judgment. Noticed for 9-5-80 at 9am; T/W memo of U.S. and the Rincon & La Jolla Bands in support of their mot for fur partial summary judgment. LODGED proposed findings of fact and conclusions of law and Judgment. Fld certificate of service. Exhs A,B,C,D, & F attached.	
7-7		Fld affid of Thomas M. Wilson, T/W certif of service.	
7-7		Fld Deft's memo of P&A's in oppoistion to mot to impose conditions on the reconstruction of Henshaw dam.	
7-9		Fld affid of DAVID O. POWELL & certif of service.	
7-11		Fld supplemental affid of David O. Powell.	
7-11		Fld reply memo of the U.S. in support of the Pltf's mot to impose conditions on reconstruction of Henshw dam to require flows past Diversion Dam.	
7-11		Fld reply memo of P&A's in support of mot to impose condition on reconstruction of Henshaw dam. (by Pltf's)	
7-14		ENT ORD HRG Pltf's mot to impose conditions on reconstruction of Henshaw Dam to require flows past diversion dam - Motion denied. Defendants to prepare order. Certif. of title, copy of riparian water rights, Se. Title Guaranty Co. list (19 pgs), and map fld with court for this and future hrgs. (S)	
7-15		Fld order appointing Magistrate Harry R. McCue to conduct settlement conference (S) Mld cys	
7-18		Fld rept of California First Bank 13136-00-0 thru 13136-24-2 for period from 6-01-80 thru 6-30-80	
		Fld rept of California First Bank 18306-00-3 thru 18306-12-2 for period from 6/01/80 thru 6/30/80.	
7-21		LODGED order denying motion to impose conditions on the reconstruction of Henshaw Dam and Findings of Fact and Conclusions of Law (Orig & copies to Judge S)	
7-24		Fld objections and comments of the Rincon and La jolla Bands of Mission Indians to proposed findings of fact and conclusions of Law and order denying motion to impose conditions on the reconstruction of Henshaw Dam.	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 69-217-S (M)
MISSION BAND OF INDIANS		ESCONDIDO MUTUAL	PAGE 9 OF 10 PAGES
DATE	NR.	PROCEEDINGS	
8-13-80		Fld order denying motion to impose conditions on the reconstruction of Henshaw Dam. (S) T/W findings of fact and conclusions of law, Certificate of service. (S) Ent 8-13-80	
8-21		Fld California First Bank Stmt of accts 013136-00-99 thru 018206-12-99 for period 6-30-80 to 7-31-80	
9-5		Ent ord a settlement discussion was initiated and all facets of the problem were discussed. The city of Escondido and the Escondido mutual water co. agreed to take steps to reinstate the settlement plan discussed earlier in the year. A motion to stay the proceedings and to continue the hearing on the motion for summary judgment was denied pending contact with the court by the Escondido parties on 9-10-80 at 4pm. (McCue)	
9-17-80		Fld California First Bank Stmt of accts 013136-00-99 thru 018206-12-99 for period 7-31-80 to 8-31-80	
9-23		Ent ord this court motion on summary judgment cont from 10-7-80 to 11-12-80 at 10:00am. NOTICE SENT ALL COUNSEL (MC)	
9-30		Fld motion to cont hrng on Plrg's mot for partial summary judgment, T/W memo of P&A's in support and affid of Donald R. Lincoln.	
9-30		Ent ord Escondido's mot to cont the mot for partial summary judgment was heard. The Court felt that additional time was required in ord to obtain affids in support of the Deft's response. It is therefore ordered that the date previously set for hrng the mot for partial summary judgment is vacated and that it be re-set before Judge Schwartz on the morning of 10-21-80 at 10am. (MC)	
10-2-80		Ent ord this Court, Sua Sponte, has reconsidered the matter of scheduling the hrng on Pltf's mot for Partial Summary Judgment. It is the belief of the Court that the interests of Justice will be served by granting additional time to all the Parties. It is therefore ordered that the hrng date of 10-21-80 be vacated and that the hrng take place before Judge Schwartz on 11-12-80 at 10am. IT is further ordered that each Deft's response to Pltf's mot be filed with the clerk of the Court on or before 10-29-80. Pltf if it chooses to do so, may respond to Deft's response not later than 11-6-80. All counsel are directed to meet with Magistrate McCue following the hrng before Judge Schwartz for the purpose of discussing the Escondido Vista Settlement proposal. (McCue)	
10-10		Fld rept of California First Bank 13136 & 18306 for period of 8-31-80 through 9-30-80.	
10-14		Fld notice of withdrawal of counsel Kenneth A. Marra.	
10-29		Fld Vista Irrigation Dist memo of P&A's in opposition to mot of Pltf for fur partial summary judgment, T/W affid of Leroy A. Wright.	
10-30		Fld memo by Escondido Opposing Pltf's mot for fur partial summary judgment, with appendices, T/W affid of David O. Powell.	
11-6		Fld California First Bank monthly Trust Statement ending 10-31-80 Account NO.s 013136-14-99 thru 013136-24-99 Class A & B	
11-12		Fld California First Bank monthly Trust Statement ending 10-31-80 City of Escondido Tender offer NO.s 018306-00-99 and 013136-11-99 Ent ord hrng Pltf mot for fur partial summary judgment - Motion submitted; Lodged sheets 1&2 Riparian Map.	

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P. 22

INDIANS, et al

Pacific Region (La Jolla, Escondido, Vista, et al

69-217-S

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1980			
11-12		Ent ord fur settlement conference held. Escondido & Vista's offers were rejected by the 5 Indian Bands. Further settlement conference will be scheduled. (McCue)	
11-19		Fld memo of the United States and the Rincon and LaJolla Bands of Mission Indians in reply to Defts memo opposing fur partial summary Judgment, T/W appendix A & B; Entry of appearance and Certificate of service	
12-9		Fld monthly trust statement ending 11-30-80 for City of Escondido.	
12-10		Fld memorandum of decision and order on motion for partial summary Judgment; Plaintiffs motion for Partial summary judgment is granted in part, and it is hereby ordered as follows: 1. EMW's occupation of the land encompassed by the Escondido Canal within the Rincon Reservation from 1894 to June 1924 constituted a trespass. 2. All lands constituting the La Jolla, Rincon, Pauma and Pala Reservations have Winters reserved water rights vesting on the dates the respective lands were reserved. 3. Water rights of defendants EMW and VID are based solely on the state law of California. 4. The Bands' reserved water rights have priority dates as set forth <u>supra</u> in Section (C). As to all other portions of plaintiffs' Motion, summary judgment is DENIED. (S) Ent 12-10-80	
1981			
1-8		Fld California First Bank Stmt of accts 13136 & 18306	
1-12		Fld California First Bank Stmt of accts 013136-00-99 & 013136-25-99 ending 1-31-81	
3-4		Fld monthly trust statement ending 2-28-81 for city of Escondido, account No.s 013136-00-99 and 018306-00-99	
4-9		Fld monthly Trust Statement ending 3-31-81 Account No. 013136-00-99 Account Type Escrow agent and Account No. 013136-23-99 Account Type Trustee Under Bond Indenture, for California First Bank.	
5-7		Fld monthly Trust Statement ending 4-30-81 Account No. 013136-00-99 Account Type Escrow agent and Account No. 013136-23-99 Account Type Trustee Under bond Indenture, for California First Bank.	
5-21		Fld Notice of motion and motion seeking court's sanction that no appearance of impropriety exists concerning the merger of Jennings, Engstrand & Henrikson, a professional law corp, with McWilliams, Amos and Curnow. NOTICED FOR 6-15-81 at 10:30am.; T/W memo in support, Declaration of Paul D. Engstrand	
6-5-81		Fld Ca 1st Bank statements of accts #13136	
6-11		Fld response to motion of Jennings, Engstrand & Hendrikson seeking court's sanction.	
6-15		Ent ord hrng Deft's mot for approval of law firm merger and sanction of it - Granted. Defts to prepare order incorporating Escondido Mutual Water Co.'s joinder in motion, and sanction of the merger. (S)	
6-15		Fld City of Escondido & Escondido Mutual Water Co. joinder in motion by Jennings, Engstrand & Henrikson, that no appearance of impropriety exists concerning the merger of Jennings, Engstrand & Henrikson, with McWilliams, Amos & Curnow.	
6-25		Fld Atty for Defts City of Escondido & Escondido Mutial Water Company Order sanctioning the merger of Jennings, Engstrand & Hendrickson, a professional law corporation with McWilliams, Amos & Curnow (S) (Eng 6-25-81)	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO
MISSION BANK OF INDIANS		ESCONDIDO MUTUAL	69-217-S(M)
			PAGE 24 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
7-7-81		Fld California First Bank statements of accts #'s 13136-00-99 thru 13136-28-99 and #018306-00-99 thru 018306-12-99.	
8-7-81		Fld California First Bank Stmt of accts 13136 & 18306 Ending 7-31-81	
9-10		Fld California First Bank Stmt of accts 13136 & 18306 through 11-01-79.	
10/13		Fld California First Bank Stmt of accts 13136-18-99 thru 13136-28-99 and acct 18306-00-99 thru 18306-12-99 ending 9/30/81.	
11/13		Fld California First Bank Stmt of accts 13136-00-99 thru 13136-28-99 and acct 18306-00-99 thru 18306-12-99 ending 10/31/81.	
12/1		Fld not of mot and mot for leave to file and serve additional interrogatories, to be noted for 1/19/82 at 10:30a.m. before Mag McCue. Fld memo of P/A's in support of mot for leave to file and serve interrogatories. Fld declaration of mot for leave to file and serve interrogatories Fld dfts city of escondido and the escondido mutual water companys interrogatories (first set to united states on behalf of rincon band). Fld proof of serv as to all entrys docketed on 12/1/81.	
12/14		Fld California First Bank Stmt of accts 13136-00-99 thru 13136-30-99 Ending 11/30/81.	
12/14		Fld California First Bank Stmt of accts 18306-00-99 thru 18306-12-99 Ending 11/30/81.	
1982			
1/11		Fld defts Stip w/ord thereon that stip is adopted & 1/19/82 hrg date is vacated. (MCCUE)	
1/20		Fld California First Bank statements of accts #'s 018306-00-99 thru 12-99 (of same series). Fld California First Bank statements of accts #'s 013136-0099 thru 013136-30-99.	
1/21		Fld stip & ord re interrogs. (MCCUE)	
1/29		Fld stip & ord re investment of funds. (S)	
2/17		Fld deff's CITY OF ESCONDIDO request for production of documents t/w proof of serv. Fld deff CITY OF ESCONDIDO's Ntc of Mot & Mot for relief from stips & ords which require a separate trial of various issues on 3/15/82 at 10:30 am t/w exhibits & memo of P/As in supp of mot. Fld cert of serv of the USA's 2nd set of Interrogs on all parties on 2/4/82.	
2/18			
2/25		Fld deff CITY OF ESCONDIDO & ESCONDIDO MUTUAL WATER's declar of DAVIED P. CURNOW in supp of mot to be relieved of stips t/w exhibs. Fld supplemental memo of P/As in supp of mot for relief from stips t/w attach.	
3/15		Ent ord hrg defts' mot for relief from stip & ords which require a separate trial of various issues-hrg contd to 4/26/82 at 10:30 am (stip to follow). (S)	
3/16		Fld plntf's stip & ord for extension of time for answering interr- ogs to 4/26/82. (S) Fld plntf's stip & ord re cont of hrg on Mot for relief from stips orig set for 3/15/82 at 10:30 am to 4/26/82 at 10:30 am. (S)	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4-14		Fld for pltfs - memo of pts & auths of the La Jolla & Rincon Bands in opposition to Escondido's mot for relief from stipulations & & ords bifurcating the trial of this case t/w cert of serv. Fld for pltf - USA's response in opposition to defts' mot for relief from stipulations & ords t/w cert of serv.	
4-19		Fld deft not of mot & mot to compel answer to interrog propounded to pltf not for 5-24-82 before mag McCue.	
4-21		Fld pltf stip & ord for extension of time for answering request for production & second set of interrog. yo 4-26-82. (S)	
4-23		Fld memo of p/a of La Jolla & Rincon Banks in oppo to Escondido mot for relief from stip & ord befurcation the trial of this case/ Ent ord hrg deft mot for relief from the stip & ord which require a separate trial of various issues mot off cal cont to 8-16-82 at 2pm for status conf hrg. (S) Fld stip & ord parties shall report to the court on 8-16-82 at 2pm. (S)	
5/3		Fld sitp and ord for extension of time for answering interrogatories. It is hereby stip by and between the parties that Escondido's time for answering the United States' First Set of Interrogatories is extended to April 26, 1982. (S).	
6/25/82		Fld stip and ord, it is ord that dft Escodido Mutual Water Company shall be granted an additional extension of time of 60 days to respond to the United States Fidrt Set of Interrogatories, which will make a response due on August 24, 1982. The Rincvon and La Jolla Bands shall be granted an additional extension of time of 60 days to respond to Escondido Mutuals First and Second Set on Interrogatories, which will make a response due on August 24, 1982. (TURRENTINE.)	
7/16		Fld Seimi-Annual Trust Statement ending 6/30/82 on Acct #'s 013136-00-99 thru 013136-32-99. Fld Semi-Annual Trust Statement ending 6/30/82 on Acct #'s 01306-00-99.	
8/9		Ent ord good cause appearing to the court and on the court's own mto to these cases presently set for hrg on 8/16/82 at 10:30a.m. before the Hon Eddward J. Schwartz, is hereby ord cont to 8/23/82 at 10:30a.m. (S).	
8/11		Ent ord good cause appearing to the court, and on the court's own mot these the matter presently set for htg on 8/16/82 at 2:00p.m. are hereby cont to 8/23/82 at 2:00p.m. (S).	
8/23		Fld stip and ord to cont status conf to 11/15/82 at 2:00p.m. (SCHWARTZ).	
8/23		Fldstip and ord extending time to answer interrogatories, to 9/3/82. (SCHWARTZ).	
9/14		Fld La Jolla Band's Answers to Escondidos interrogatories (third set). Fld Rincon Band's answers to Escondido's interrogatories (third set) Fld La Jolla Band's answers to Escondido's interrogatories (second set) Fld Rincon Bahd's answers to Escondido's interrogatories (second set).	
10/1		Fld City of Escondido's and Escondido mutual water company's response to United States second set of iterrogatories.	

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Fredericks & Pelcyger

ATTORNEYS AT LAW
1007 PEARL STREET, SUITE 240
BOULDER, COLORADO 80302

(303) 443-1688

TOM W. ECHOHAWK
(1952-1982)

OF COUNSEL
JENNIFER M. PYLE

ADMITTED ONLY IN OREGON

THOMAS R. ACEVEDO
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SCOTT B. McELROY
ROBERT S. PELCYGER
DALE T. WHITE

ADMITTED ONLY IN VIRGINIA
ADMITTED ONLY IN OHIO
ADMITTED ONLY IN CALIFORNIA AND NEW YORK
ADMITTED ONLY IN NEW YORK

13 September 1983

Mr. William W. Luddy, Clerk
United States District Court
for the Southern District of California
1 N 20 U.S. Courthouse
940 Front Street
San Diego, CA 92189

Re: Rincon Band of Mission Indians, et al., v. Escondido
Mutual Water Co., et al., Civ. No. 69-217-S, etc.

Dear Mr. Luddy:

Please amend your service list in the above referenced cases to reflect the following changes in the attorneys for the Indian Bands:

1. The address of Robert S. Pelcyger has been changed to:

Robert S. Pelcyger
FREDERICKS & PELCYGER
1007 Pearl Street, Suite 240
Boulder, CO 80302
(303) 443-1683

2. The Native American Rights Fund attorney responsible for the case is Jeanne S. Whiteing. Her address remains

1506 Broadway
Boulder, CO 80302
(303) 447-8760

3. The California Indian Legal Services attorney responsible for the case is Charles Scott. The address is:

Box 2457
1860 So. Escondido Blvd.
Escondido, CA 92025
(714) 746-8941

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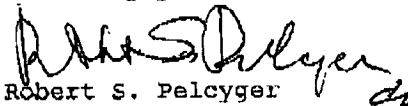
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William W. Luddy
13 September 1983
Page Two

Thank you for your assistance. If you have any questions,
please let me know.

Sincerely yours,


Robert S. Palcyger

RSP/dv

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CIVIL DOCKET CONTINUATION SHEET

FBI-MAR-1-14-80-70M-4000

PLAINTIFF		DEFENDANT	DOCKET NO.
MISSION BAND OF INDIANS		ESCONDIDO MUTUAL	69-217-S
			PAGE 23 OF 23 PAGES
DATE	NR.	PROCEEDINGS	
11/9		Fld memo in support of mot to add party dft. Fld pltfs not of mot to be noted for 12/20/82 at 10:30a.m. Fld pltfs mot to intervene. Fld cmplt in intervention. Fld memo in support of mot to intervene.	
11/10		Fld pltfs status conf statement of the Rincon and La Jolla Bands.	
11/22		Fld application for admission pro hac vice of Scott B. McElroy.	
11/15		Ent ord status conf held mots to intervene to be hrd 12/13/82 at 2:00p.m. Discovery mots if any to be hrd 2/14/83 at 2:00p.m. Counsel to present proposed preliminary P/T ord by 4/14/83. (S).	
12/13		Ent ord hrg mots to intervene and mot to add party dft-cont to 1/24/83 at 2:00p.m. (S).	
1/3/83		Fld request for production of documents of the United States of America on 1/28/83 at 9:30a.m.	
1/12/83		Fld California First Bank statement of accts #'s 13136-00-99 thru 13136-34-99 and #018306-00-99 thru 018306-12-99.	
1/24		Ent ord hrg Pala and Pauma and San Pasqual Bands of Mission Indians mots to Intervene-granted per stip. Pltf U.S.A.'s mot to add party dft-off calendar. (S). Fld stip, that said parties shall not oppo the granting of the mots to intervene filed by the San Pasqual, Pala and Pauma Bands of Mission Indians. (SCHWARTZ).	
3/14		LODGED status conf statement and ord re P/T sched.	
3/17		Fld status conf statement and ord re P/T sched, it is ord that the above time table for P/T proceedings is adopted, and the trial is to commence on 3/19/84. (SCHWARTZ).	
3/18		Fld request for production of document of United States of America on 4/22/83 at 9:30a.m.	
4/4		Fld dfts City of Escondido and Escondido Mutual Water Company's request for production of documents from United States of America on 4/22/83 at 9:30a.m.	
5/16		Fld mot for extension of time to respond to to dft Escondido's mot for production of documents to be extended to 5/16/83. (MCCUE).	
5/18		Fld United States response to dfts request for production of documents	
5/26		Fld mot and not of mot to compel production of documents to be noted for 6/16/83 at 9:30a.m.	
6/13		Fld memo in oppo to dfts City of Escondido's and Escondido Mutual Water Company's mot to compel production of documents.	
6/16		Ent ord dfts mot to compel production of documents-denied. (MCCUE).	
6/22		Fld not of appeal. Fld statement of appeal.	
7/13		Fld appellants opening brief.	
7/29		Fld appellees brief in support of Maistrates ord denying Escondido's mot to compel production of documents.	
8/2		Fld appellants reply brief.	
8/3		Fld California First Bank Stmt of accts 18306-00-99 thru 18306-12-99. Fld California First Bank Stmt of accts 13136-00-99 thru 13136-36-99.	
10/20		Fld pltf Rincon Band's response to dfts request for clarification of the Band's contentions. Fld pltf La Jolla Band's response to dfts request for clarification of the band's contentions.	

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CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-72M-4288

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
8/4	----	Ent or drg dfts appeal from Magistrates Order of 6/16/83 denying mot to compel production of documents-Magistrates ord is affirmed Pltf to prep ord. (S).	
8/30	---	Fld ord affirming Magistrate's ord denying discovery, It is ord that the Magistrates ord of June 16, 1983 be and hereby is affirmed. (SCHWARTZ)	
	---	Ent 8/31/83	
	---	Fld findings of fact and conclusions of Law. (SCHWARTZ).	
1/6	----	Ent ord on the courts own mot the date of 1/10/84 in above case is vacated and P/T is cont to 11/5/84 Trial date of 3/19/84 is vacated and cont to 1/28/85. (S).	
1/24	----	Fld California First Bank Statement of accounts. 131136 & 18306.	
4/4	----	Fld pltf Rincon Band's supplemental statement of claims and rights.	
	----	Fld Rincon Band's request for clarification and refinement of dfts contentions.	
	----	Fld pltf Pauma Band's responses to dft requests for clarification of the Band's contentions.	
	---	Fld pltf La Jolla Band's supplemental statement of claims and rights.	
	----	Fld pltf Pala Band's responses to dft requests for clarification of the Band's contentions.	
4/9	----	Fld Pauma Band's request for clarification and refinement of dft contention	
	----	Fld Pala Band's requests for clarification and refinement of dft contention	
	----	Fld La Jolla Band's requests for clarification and refinement of dfts contentions.	
	----	Fld stip and ord re extension of dates re P/T and trial sched., P/T conf cont to 1/21/85 and trial cont to 4/1/85. (SCHWARTZ).	
4/12	----	Fld pltf San Pasqual Band's request for clarification and refinement of the dfts contentions.	
	---	Fld pltf San Pasqual Band's supplemental statement of claims and rights.	
	----	Fld pltf San Pasqual Band's responses to dfts request for clarification of the band's contentions.	
	----	Fld certificate of serv.	
5/25	----	Fld deft stip & ord re extension of dates P/T & Trial schedule, 12-3-84, pltf shall serve on deft a proposed P/T ord. 12-10-84, deft shall serv on pltf any modification to the proposed P/T ord. 12-14-84 the parties shall & confer concerning the proposed P/T ord. 1-7-85, the parties shall file an agreed upon P/T ord. 1-21-85 a P/T conf shall be held, on 3-13-85 the parties shall exchange P/T briefs, 4-1-84 tial shall commence. (S) t/w cert of serv..	
6-4	----	Fld pltf supplemental responses to deft request for clarification of the bands contentions	
	----	Fld pltf supplemental responses to deft request for clarification of the Bands contentions..	
	----	Fld cert of serv as to two above entrys.	
7/13	----	Fld Calif. First Bank Stmt of accts 13136 & 18306 for 6/30/84.	
1985	----	Fld Calif. First Bank Semi-Annual Trust Stmts. ending 12/31/84. Acct. #'s 013136-00-99, & 013136-01-99, and #013136-03-99 through #013136-42-99. Also Acct. # 018306-00-99 through #018306-12-99.	
1/7	----		

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 69-0217-S(M)
RINCON BAND OF MISSION INDIANS, ETC.		ESCONDIDO MUTUAL WATER CO., ET AL.	PAGE 25 OF 25 PAGES
DATE	NR.	PROCEEDINGS	
1985			
1-21	--	Ent Ord, Cont'd to 7-23-85 at 9:00 a.m. for P/T Hrg (S)	
2/6	----	Fld dft Vista Irrigation District not of mot and mot for reconsideration of ord granting partial S/J and separate mot for Partial S/J to be not for 3/7/85 at 9:00a.m.	
	----	Fld dft Vista Irrigation District memo of P/A's in support of mot for reconsideration of ord granting partial S/J and separate mot for partial S/J.	
	----	Fld dfts City of Escondido and Escondido Mutual Water Co. affidavit of Donald R. Lincoln.	
	----	Fld dft Vista Irrigation District supplemental appendix in support of mot for reconsideration of ord granting partial S/J and separate mot for partial S/J.	
2=22	---	Ent Ord. For good cause appearing & on the Court's own motion, the date of March 7, 1985 set for hearing motions is vacation, and reset on April 8, 1985, at 9:00 a.m. before Judge Schwartz in Ct. Rm. 4. cps mld. (S)	
3/11	---	Fld not of change of address of atty for Indian Bands.	
3/22	---	Fld Bands' memo of P/A's in oppo to mots for reconsideration of ords granting partial S/J and for partial S/J	
3/25	----	Fld United States' response to mot for reconsideration or ords granting partial S/J and separate mot for partial S/J.	
3/26	----	Fld dft Vista Irrigation District stip and ord re extension of dates re; P/T nad Trial sched; Parties shall file an agreed upon P/T ord or separate proposed P/T ords on 9/17/85; On 9/24/85 a P/T conf shall be held; Trial shall commence on 11/12/85. (SCHWARTZ).	
4/3	---	Fld dfts City of Escondido and Escondido Mutual Water Company reply memo of P/A's in support of mot for reconsideration of ords granting partial S/J and mot for partial S/J.	
	---	Fld dft City of Escondido and Escondido Mutual Water Company affidavit of Donald R. Lincoln.	
4/4	---	Fld Vista Irrigation District's reply to plifs' reponses to dfts' -ot for reconsideration.	
4/8	----	Ent ord Trial date of 11/12/85 vacated and reset for same on 11/13/85 at 9:00a.m. Hrg Dft Vista Irrigation Dist. & City of Escondido & Escondido Mutual Water District Mot for reconsideration of ords granting partial S/J and hrg dft Vista Irrigation District and City of Escondido and Escondido Mutual Water District Mot for partial S/J- Taken under submission. Court will prepare a written decision. (S).	
4/11	----	Fld statement of additional authorities.	
4/26	----	Fld Bands supplemental memo of P/A's in oppo to dfts' mot for reconsideration.	
5/6	----	Fld dft Vista Irrigation District's reply to Bands' supplemental response to dfts mots for reconsideration.	
5/6	----	Fld dft Vista Irrigation District reply by City of Escondido, Escondido Mutual Water Company and Vista Irrigation District to Bands' Supplemental memo Dated April 25. 1985	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1985 5/22	---	<p>Fld memo decision on mot for reconsideration of amended ord for partial S/J and on new mot for partial S/J, It is ord as follows: the 1894 contract is not valid for failing to comply with 25 U.S.C. 81; The 1894 contract is not invalid under 8 of MIRA. As to Potrero and Rincon Bands, the 1908 permit is not invalid under 8 of MIRA. The 1908 permit is invalid to the extent that it purports to grant a right of way across the San Pasqual Reservation. The 1914 contract is invalid to the extent that it purports to alienate or convey the 1.72 acres of land on which the Rincon power plant was constructed. The 1914 contract is invalid to the extent that it purports to be a conveyance or limitation of the Rincon Band's water rights in the San Luis Rey River. The 1922 contract is invalid to the extent that it purports to be a conveyance or limitation of the Rincon or Pala Bands' water rights in the San Luis Rey River. Dfts mot for S/J that the 1924 Federal Power Commission license granted Esccondido Mutual Water Company rights of way for al its projects across the La Jolla, Rincon and San Pasqual Reservations is denied. (SCHWARTZ). Ent 5/22/85.</p>	
7-17	----	<p>Fld Calif 1st Bank Semi-Annual Trust Stmt ending 6-30-85. Acct #'s 013136 & 018306.</p> <p>Fld Defts Vista Irrigation District. Stip & Order re: Suspension of P/T & Trial Schedule Pending Settlement, Its Ordered that the suspension of P/T & Trial dates & Due dates for Pending discovery is approved Adopted. (S)</p>	
1986 1-8	----	<p>Fld Calif 1st Bank Semi Annual trust Stmt ending 12-31-85 acct#'s 013126 & 108306.</p>	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF.		DEFENDANT	DOCKET NO. <u>69-217-9</u>
RINCON BANK OF MISSION, ET AL		ESCONDIDO MUTUAL, ET AL	PAGE <u>21</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1986 7-15	---	Fld Calif First Bank semi-annual trust statement ending 6-30-86. Acct. #s 018306-00-99 through 018306-02-99. 013136-00-00 through 013136-01-99. 013136-03-99 through 013136-48-99.	
1987 7-16	---	Fld Calif First Bank semi-annual trust statmt ending 6-30-87. Acct. #s 013136-00-99 to -13136-52-99. Acct #s 018306-00-99 thru 018306-12-99.	
1988 1-11	---	Fld Calif First Bank Semi-annual trust stmt ending 12-31-87. Acct. #s 013136-00-99 through 013136-60-99. Acct. #s 018306-00-99 through 018306-12-99.	
May 24	---	FLD NOT of mot & mot to modify the ct's impound orders by releasing all impounded sums to the former shareholders of Escondido mutual water C. & to the city of Escondido	
	---	FLD MEMO OF PS & AS in supp of mot to modify the ct's impound orders t/w declar of serv	
JUN 10	---	NOTICE of ldgng by City of Escondido & Escondido Mutual Water Co.	
	---	LODGED closing docs for completion of cash tender offer by City of Escondido & dissolution & liquidation proceedings of Escondido Mutual Water Co. Dec 1987	
	---	LODGED memo- Analysis of fiscal impacts if city finalized the 1970 tender offer in 1987	
6/28/88	---	STIPULATION & ORD(S) FLD ext ti to file resp to city of Excondido's mtn re release of sums to 7/11/88, reply due 7/25/88.	
6/27/88	---	MOTION of dfts City of Escondido & Escondido Mutual Water Co for approval of Federal Energy Regulatory Commission re annual license 8/1/88 10:30 A.M.	
Jul 25	---	SEMI- ANNUAL TRUST STATMT frm Calif First Bank, ending 6-30-88. Acct. #s 013136-00-99 thru 013136-60-99. & 018306-00-99 thru 018306-12-99	
Jul 27	---	MOTION & MEMORANDUM to defer consideration of Escondido's pending mots t/w declar of serv (OK to file by Neil)	
Aug 1	---	MINUTE ORD: Hrg defts mot to modify court's impound ord- ordered off calendar (SCHWARTZ)	
Aug 2	---	ORDER: Hrg sched for 8-1-88 on two pending motions is vacated & City of Escondido & the Escondido Mutual Water Co may renotece the hrg on the two mots if a mutually satisfactory resolution is not reached by 9-2-88. (S) cpys mld	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>69-217-S</u>
RINCON		ESCONDIDO MUTUAL WATER CO	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
Nov 2	---	NOTICE of hearing on 12-5-88 @10:30 t/w declar of serv	
Nov 23	---	NOTICE of cont of hrg frm 12-5-88 to 12-12-88 @10:30 t/w declar of serv	
Dec 12	---	MINUTE ORD: Hrg defts mot to release all sums, & their accruals, which have been impounded; & for court approval of such actions as the Ferc may take in connection with annual lecense for Proj #176--Stip signed/filed. (S)	
	---	STIPULATION : Releasing impounded funds & other matters (S) cpys mld	
	---	STIPULATION waiving right to challenge or appeal ord releasing funds & other matters. (S) cpys mld	
NO FURTHER ENTRIES ON THIS DOCKET SEE AUTOMATED DOCKET			

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NO. 9411 P. 34

Proceedings include all events.

TERMED

3:69cv217 Rincon Band of Mission v. Escondido Mutual Water

11/20/87 --

City of Escondido's filing of certified statement of Robert G. Beckman, Trust Officer, Union Bank by defendant Escondido Mutual Water per Court Order dated 12/12/88 re: release of previously impounded funds t/w decl of serv. (mc)
[Entry date 12/11/89]

12/13/90 --

Minutes: Enter Order by Judge Edward J. Schwartz: Case pending for over three years, and all presently contemplated proceedings having been completed, clerk is instructed to submit a JS-6 for statistical closing to administrative office; nothing contained in minute entry shall be considered a dismissal/disposition of matter, terminating case JS6 (dh) [Entry date 12/19/90]

Docket as of December 19, 1990 12:35 pm

Page 2